

REMARKS

Claims 16-24 remain in this application. Claims 1-15 were previously canceled. Reconsideration of the application is requested.

The informalities discussed in each of sections 1-5 on pages 2-4 of the Office Action are eliminated by the specification and drawing changes above.

Independent claim 16 is rejected under 35 U.S.C. § 103(a), along with claims 17-24, as unpatentable over U.S. Patent application publication 2002/0050729 A1 to Nakano in view of U.S. Patent 3,608,965 to Cziptschirsch et al. Reconsideration is requested. Currently amended claim 16 reflects features discussed, for example, in paragraphs 0011 and 0030 of the substitute specification and is submitted to be patentable.

Initially, it is respectfully submitted that the rationale provided by the Examiner for the substitution proposed is inappropriate. The Nakano head rest 3 cooperates with the remainder of the vehicle seat back assembly so as to rotate around rotational center 3a during a collision, as discussed in paragraphs 0037-0045 of the Nakano publication, and nothing suggests that the Nakano head rest 3 is in a position that does not already provide the most favorable resting surface in the context of its controlled rotation feature.

Neither the Nakano head rest 3 nor the Cziptschirsch et al. body 4, moreover, defines an impact plate as specified in claim 16 (a) with a basically flat area assuring secure retention of a vehicle passenger head, (b) positioned for limited swivel movement around a horizontal swivel axis so as to guarantee two-dimensional contact between the head of the vehicle passenger and the impact

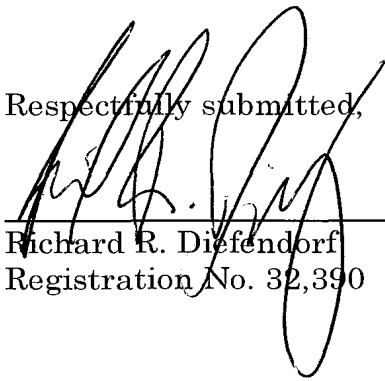
plate during the accident, and (c) having the swivel axis of the impact plate positioned in the vicinity of a location of that two-dimensional contact as claim 16 now particularly requires. The Nakano head rest 3 does not form an impact plate positioned for limited movement around a swivel axis positioned as claim 16 defines, and the pivotal adjustment described, for example, in column 1, lines 38-50 of the Cziptschirsch et al. patent does not constitute limited impact plate swivel movement around a horizontal swivel axis so as to guarantee two-dimensional contact between the head of the vehicle passenger and the impact plate during an accident as claim 16 requires. The documents relied on by the Examiner do not suggest the features mentioned, and claim 16, in its present form, is submitted to be patentable. The rest of the claims in this application are dependent claims and should be patentable as well.

If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.56078US).

Date: September 27, 2007

Respectfully submitted,



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